

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COUNTY OF SUFFOLK, NEW YORK

ANSWER TO  
COUNTERCLAIMS

Plaintiff,

-against-

GEORGE R. SIMPSON, JEAN SIMPSON,  
CHARLOTTE SIMPSON, OFFICE  
MANAGEMENT SYSTEMS CORP. and  
SUFFOLK RESEARCH SERVICE, INC.,

CV-07-01644  
Seybert, J.  
Orenstein, M.J.

Defendants.

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Plaintiff, County of Suffolk, New York, by its attorney, CHRISTINE MALAFI, Suffolk County Attorney, by Leonard G. Kapsalis, Assistant County Attorney, as and for its Answer to the counterclaims of the defendants, Management Systems Corp. and Suffolk Research Service, Inc., alleges upon information and belief as follows:

AS AND FOR PLAINTIFF'S ANSWERS TO DEFENDANTS' COUNTERCLAIMS

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraph numbered "30" of defendants' Answer, Affirmative Defenses and Counterclaims.

2. Avers that the allegations contained in paragraphs numbered "32" and "33 of defendants' Answer, Affirmative Defenses and Counterclaims are conclusions of law to which no response is required. To the extent a response is required, the allegations are denied.

3. Denies the allegations contained in paragraph numbered "34" of defendants' Answer, Affirmative Defenses and Counterclaims, except admits that plaintiff granted First American Real Estate Solutions a license to reproduce the tax maps.

4. Denies the allegations contained in paragraphs numbered “35” and “36” of defendants’ Answer, Affirmative Defenses and Counterclaims.

AS AND FOR PLAINTIFF’S ANSWER TO DEFENDANTS’ FIRST COUNTERCLAIM

5. Answering the paragraph numbered “37” of defendants’ Answer, Affirmative Defenses and Counterclaims, plaintiff repeats, reiterates, and realleges each and every response to the recited paragraphs with the same force and effect as if the same were set forth at length herein.

6. Denies the allegations contained in paragraphs numbered “38,” “39,” “40,” “41,” and “42” of defendants’ Answer, Affirmative Defenses and Counterclaims.

AS AND FOR PLAINTIFF’S ANSWER TO DEFENDANTS’ SECOND COUNTERCLAIM

7. Answering the paragraph numbered “43” of defendants’ Answer, Affirmative Defenses and Counterclaims, plaintiff repeats, reiterates, and realleges each and every response to the recited paragraphs with the same force and effect as if the same were set forth at length herein.

8. Denies the allegations contained in paragraphs numbered “44,” “45,” and “46” of defendants’ Answer, Affirmative Defenses and Counterclaims.

AS AND FOR PLAINTIFF’S ANSWER TO DEFENDANTS’ THIRD COUNTERCLAIM

9. Answering the paragraph numbered “47” of defendants’ Answer, Affirmative Defenses and Counterclaims, plaintiff repeats, reiterates, and realleges each and every response to the recited paragraphs with the same force and effect as if the same were set forth at length herein.

10. Denies the allegations contained in paragraphs numbered “48,” “49,” “50,” and “51” of defendants’ Answer, Affirmative Defenses and Counterclaims.

AS AND FOR PLAINTIFF'S FIRST AFFIRMATIVE DEFENSE

11. The counterclaims fail to state a claim upon which relief can be granted.

AS AND FOR PLAINTIFF'S SECOND AFFIRMATIVE DEFENSE

12. The counterclaims are barred, in whole or in part, by immunity by reason of valid governmental action.

AS AND FOR PLAINTIFF'S THIRD AFFIRMATIVE DEFENSE

13. The counterclaims are barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR PLAINTIFF'S FOURTH AFFIRMATIVE DEFENSE

14. The counterclaims are barred, in whole or in part, by the doctrines of waiver, laches and/or estoppel.

AS AND FOR PLAINTIFF'S FIFTH AFFIRMATIVE DEFENSE

15. The counterclaims are barred, in whole or in part, by failure to comply with the statutory conditions precedent to commencement of an action against municipal defendants as set forth in the New York County Law, General Municipal Law, and all applicable laws.

AS AND FOR PLAINTIFF'S SIXTH AFFIRMATIVE DEFENSE

16. The counterclaiming defendants have failed to mitigate their purported damages.

AS AND FOR PLAINTIFF'S SEVENTH AFFIRMATIVE DEFENSE

17. The counterclaiming defendants lack standing to bring the counterclaims asserted.

AS AND FOR PLAINTIFF'S EIGHTH AFFIRMATIVE DEFENSE

18. The counterclaiming defendants have not suffered an injury of the type the antitrust laws were intended to prevent.

AS AND FOR PLAINTIFF'S NINTH AFFIRMATIVE DEFENSE

19. The counterclaiming defendants have failed to plead, with particularity, facts constituting a claim for conspiracy.

WHEREFORE, Plaintiff, COUNTY OF SUFFOLK, NEW YORK, respectfully requests that this Court enter Judgment dismissing the within Counterclaims, together with costs, disbursements, attorneys' fees, and such other and further relief as to this Court may seem just and proper.

Dated: Hauppauge, New York  
May 19, 2008

Yours, etc.

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*s/Leonard G. Kapsalis*

By:

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 Notary Public State of New York  
 Christopher Gatto  
 Notary Public, State of New York  
 No. 02GA6084160  
 Qualified in Suffolk County  
 Commission Expires December 02, 2010